UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

PARK AVENUE AESTHETIC

: Case No. 1:19-cv-09761-JGK

SURGERY, P.C.,

Plaintiff,

v.

EMPIRE BLUE CROSS BLUE SHIELD: and GROUPFIRST OF MARYLAND, INC.: AND GROUP HOSPITALIZATION AND: MEDICAL SERVICES, INC. d/b/a: CAREFIRST BLUECROSS: BLUESHIELD,:

Defendants.

: NOTICE OF MOTION TO DISMISS

PLEASE TAKE NOTICE that, upon the accompanying Brief and Certification of Wanda Lessner, and the exhibits thereto, Defendant Group Hospitalization and Medical Services, Inc. d/b/a CareFirst BlueCross BlueShield ("CareFirst") will move this Court, before the Honorable John G. Koeltl, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York 10007, on a date and time to be determined by the Court, for an order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure dismissing Plaintiff's First Amended Complaint with prejudice.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Court's February 21, 2020 Order, Plaintiff's opposition papers, if any, must be served by April 10, 2020, and CareFirst's reply must be served by April 24, 2020.

Dated: Livingston, New Jersey March 12, 2020

BECKER LLC

/s/ Michael E. Holzapfel, Esq.____

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d/b/a/ CareFirst BlueCross BlueShield